

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ROBERT CHARLES REYNOLDS
SR.,

Plaintiff,

V.

MICHAEL THURBER, et. al.,

Defendants.

4:07CV3229

MEMORANDUM AND ORDER

The plaintiff was a prisoner when he filed his complaint, and upon his motion, was granted leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915(a)(2) and (b). Filing No. 6. No portion of the filing fee has been paid as of the date of this order.

The plaintiff has filed a notice of change of address which indicates he is no longer incarcerated. The plaintiff must now file a new Application for Leave to Proceed IFP if he wishes to continue pursuing this case in forma pauperis. See, e.g., McGann v. Comm'r, Social Security Admin., 96 F.3d 28, 30 (2d Cir. 1996) ("A released prisoner may litigate without further payment of fees upon satisfying the poverty affidavit requirement applicable to all non-prisoners."). He may also choose to pay the \$350.00 filing fee. However, if the plaintiff fails to either file a new IFP application or pay the \$350.00 filing fee by November 28, 2007, this case will be subject to dismissal without further notice.

IT IS ORDERED:

1. That portion of the court's order of October 11, 2007, (filing no. 6), that required the plaintiff to pay an initial filing fee of \$4.05, is set aside. The plaintiff is no longer required to pay the \$4.05 initial filing fee by November 13, 2007.
2. The Clerk of Court shall send the plaintiff the form for requesting leave to proceed IFP.
3. By November 28, 2007, the plaintiff shall either file a new Application to Proceed in Forma Pauperis ("IFP") or pay the court's \$350 filing fee. If the plaintiff fails to comply with this Order, the above-entitled case may be subject to dismissal after November 28, 2007 without further notice.
4. The plaintiff is reminded to keep the court informed of his current address at all times while this case is pending; failure to do so could result in dismissal.
5. The clerk shall terminate the pro se case management deadline set for November 13, 2007 for payment of an initial filing fee.
6. The Clerk of the court is directed to set a pro se case management deadline in this case using the following text: November 28, 2007-- deadline for payment of filing fee or filing of IFP application.

DATED this 30th day of October, 2007.

BY THE COURT:

s/ *David L. Piester*

United States Magistrate Judge